



Senate

General Assembly

File No. 348

February Session, 2010

Substitute Senate Bill No. 314

Senate, April 7, 2010

The Committee on Government Administration and Elections reported through SEN. SLOSSBERG of the 14th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING MILITARY OR VETERAN STATUS ON STATE-
ISSUED FORMS AND PUBLICATIONS, BENEFITS FOR VETERANS
AND STATE EMPLOYEES CALLED TO ACTIVE SERVICE AND THE
DISPOSITION OF REMAINS OF MEMBERS OF THE ARMED FORCES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective October 1, 2010*) (a) Any new form or
2 publication issued by a state agency, department or office, for
3 distribution to the public and returnable to a state agency, department
4 or office, shall include a question asking whether the recipient of the
5 form or publication is a member of the armed forces or a veteran who
6 would like to receive information regarding veterans' benefits.
- 7 (b) A state agency, department or office that receives a form or
8 publication indicating that the sender is a member of the armed forces
9 or a veteran who would like to receive information regarding veterans'
10 benefits shall forward the name and mailing address of the sender, if
11 such name and mailing address can be determined, to the Department

12 of Veterans' Affairs.

13 (c) Upon receipt of the name and mailing address of any individual
14 requesting information regarding veterans' benefits from a state
15 agency, department or office, the Department of Veterans' Affairs shall
16 add the individual to the contact list provided for in subsection (b) of
17 section 27-100c of the general statutes, as amended by this act.

18 Sec. 2. Section 27-100c of the general statutes is repealed and the
19 following is substituted in lieu thereof (*Effective October 1, 2010*):

20 (a) As used in this section, (1) ["department" means the Department
21 of Veterans' Affairs, (2)] "service member" means a member of the
22 armed forces, as defined in subsection (a) of section 27-103, including
23 the Connecticut National Guard, [(3)] and (2) "veteran" has the same
24 meaning as provided in subsection (a) of section 27-103. [, and (4)
25 "committee" means the select committee of the General Assembly
26 having cognizance of matters relating to veterans' and military affairs.]

27 (b) The Department of Veterans' Affairs shall develop and maintain
28 a service members' and veterans' contact list, consisting of only the
29 names and mailing addresses of service members and veterans who
30 reside in this state, using information in [the] such department's
31 records and information submitted to [the] such department by (1) the
32 Military Department, as provided in subsection (c) of this section, (2)
33 the assessor of each town, as provided in subsection (d) of this section,
34 [and] (3) service members or veterans, as provided in subsection (e) of
35 this section, and (4) a state agency, department or office that received a
36 request from a member of the armed forces or veteran for information
37 regarding veterans' benefits and forwarded the name and the mailing
38 address of the requester to the Department of Veterans' Affairs.

39 (c) On or before September 1, 2005, the Military Department shall
40 submit to the Department of Veterans' Affairs a list of the name and
41 mailing address, but no other information, of each service member
42 who is a resident of this state that is in the records of the Military
43 Department.

44 (d) On or before the sixtieth day following the date on which an
45 exemption pursuant to subdivision (19) of section 12-81 takes effect, as
46 provided in section 12-95, the assessor of each town that granted any
47 such exemption shall submit to the Department of Veterans' Affairs a
48 list of the name and mailing address, but no other information, of each
49 individual who has such exemption.

50 (e) A service member or veteran who is a resident of this state may
51 add his or her name and mailing address to the contact list by
52 submitting such information to the Department of Veterans' Affairs in
53 person or by mail. A service member shall include a copy of his or her
54 military identification card and a veteran shall include a copy of his or
55 her military discharge document, as defined in section 1-219.

56 (f) Any individual who is included in the contact list may cause his
57 or her name to be removed from the contact list by notifying the
58 Department of Veterans' Affairs in writing.

59 (g) (1) The Department of Veterans' Affairs or the Military
60 Department may use the contact list solely for the purposes of
61 notifying service members or veterans of benefits, proposed or enacted
62 legislation that affects service members or veterans or their families, or
63 other information that the Department of Veterans' Affairs or the
64 Military Department believes will be helpful to service members or
65 veterans or their families. The Department of Veterans' Affairs shall
66 provide a copy of the contact list to the Military Department, upon
67 receipt of a written request signed by the Adjutant General.

68 (2) Notwithstanding the provisions of subsection (a) of section 1-
69 210, the Department of Veterans' Affairs and the Military Department
70 shall not disclose any information in the contact list to any person
71 other than as provided in this subsection. No person shall use the
72 contact list for any purpose other than as provided in subdivision (1)
73 of this subsection.

74 Sec. 3. Subsection (a) of section 45a-318 of the general statutes is
75 repealed and the following is substituted in lieu thereof (*Effective from*

76 *passage*):

77 (a) Any person eighteen years of age or older, and of sound mind,
78 may execute in advance of such person's death a written document,
79 subscribed by such person and attested by two witnesses, either: (1)
80 Directing the disposition of such person's body upon the death of such
81 person, which document may also designate an individual to have
82 custody and control of such person's body and to act as agent to carry
83 out such directions; or (2) if there are no directions for disposition,
84 designating an individual to have custody and control of the
85 disposition of such person's body upon the death of such person. Such
86 disposition shall include, but not be limited to, cremation, incineration,
87 disposition of cremains, burial, method of interment and cryogenic
88 preservation. Any such document may designate an alternate to an
89 individual designated under subdivision (1) or (2) of this subsection. A
90 member of the armed forces, as defined in section 27-103, may
91 designate a person authorized to direct disposition of such member's
92 body or remains upon the death of such member on a document
93 issued by the Department of Defense pursuant to Department of
94 Defense Instruction 1300.18 and Section 564 of P.L. 109-163, and such
95 designation shall have the same legal effect in this state as a
96 designation made under subdivision (1) or (2) of this subsection if such
97 member dies while serving in the armed forces.

98 Sec. 4. Subsection (c) of section 27-102~~l~~ of the general statutes is
99 repealed and the following is substituted in lieu thereof (*Effective*
100 *October 1, 2010*):

101 (c) In addition to the powers and duties prescribed under section 4-
102 8, the commissioner shall have the following powers and duties:

103 (1) To prepare studies and collect information concerning facilities
104 and services available to members of the armed forces, veterans, their
105 spouses or eligible dependents, including facilities and services for
106 veterans who may have been exposed to a Vietnam herbicide during
107 their periods of military service;

108 (2) To conduct interviews in the nursing homes or hospitals
109 throughout the state to determine the number of veterans admitted
110 and ascertaining which benefits such veterans are currently receiving
111 and are entitled to receive;

112 (3) To cooperate with service agencies and organizations
113 throughout the state in disseminating and furnishing counsel and
114 assistance of benefit to residents of this state who are or have been
115 members of the armed forces, their spouses or eligible dependents,
116 which will indicate the availability of: (A) Educational training and
117 retraining facilities; (B) health, medical, rehabilitation and housing
118 services and facilities; (C) employment and reemployment services; (D)
119 provisions of federal, state and local laws affording financial rights,
120 privileges and benefits; and (E) other matters of similar nature;

121 (4) To assist veterans, their spouses and eligible dependents and
122 family members in the preparation, presentation, proof and
123 establishment of such claims, privileges, rights and other benefits
124 accruing to them under federal, state and local laws;

125 (5) To cooperate with all national, state and local governmental and
126 private agencies securing or offering services or any benefits to
127 veterans, their spouses or dependents;

128 (6) To develop and prepare a long-range plan and mission statement
129 for the Veterans' Home and the veterans' advocacy and assistance unit;
130 [and]

131 (7) To review all appeals made by veterans, their spouses or eligible
132 dependents or family members and render the final decision thereon
133 regarding the denial of admission to any program or the refusal to
134 render any service or benefit which is administered by the Department
135 of Veterans' Affairs, the discharge or transfer from any such program
136 or any disciplinary action taken while participating in any such
137 program; and

138 (8) To establish and update annually on the Department of Veterans'

139 Affairs Internet web site, within available appropriations, a list of the
140 benefits and services offered to veterans by any state agency,
141 department, authority, office or political subdivision thereof.

142 Sec. 5. Section 5-259d of the general statutes is repealed and the
143 following is substituted in lieu thereof (*Effective from passage*):

144 (a) As used in this section, (1) "state employee" or "employee" means
145 any elected official, officer or full-time employee of the Executive,
146 Legislative or Judicial Department, and (2) "part pay" means the
147 difference between the state employee's base rate of pay, plus
148 longevity, in the employee's primary position on the date the
149 employee is called to active service in the armed forces [of any state or
150 the United States] and the total compensation the employee receives
151 for such active service, as certified to the State Comptroller by the
152 employing state agency in a manner acceptable to the State
153 Comptroller.

154 (b) Notwithstanding any provision of the general statutes or any
155 public or special act, the state shall continue to provide coverage,
156 under a group hospitalization and medical and surgical insurance plan
157 sponsored by the state under section 5-259, for the dependents of any
158 state employee and the state employee who is a member of the armed
159 forces [of any state or of any reserve component of the armed forces of
160 the United States and who has been] called to active service, [in the
161 armed forces of any state or the United States for (1) Operation
162 Enduring Freedom, (2) Operation Noble Eagle, (3) a related emergency
163 operation or a military operation whose mission was substantially
164 changed as a result of the attacks of September 11, 2001, (4) federal
165 action or state action authorized by the Governor in support of the
166 federal Department of Homeland Security's Operation Liberty Shield,
167 military operations that are authorized by the President of the United
168 States that entail military action against Iraq, or federal action or state
169 action authorized by the Governor to combat terrorism within the
170 United States, or (5) federal action or state action authorized by the
171 Governor or the President of the United States that entails service or

172 military action as part of Operation Jump Start at the border of the
173 United States and Mexico,] for the duration of such call-up to active
174 service, provided such state employee and dependents were covered
175 by the insurance plan on the date the state employee was called to
176 active service and the state employee continues to pay any amount that
177 the employee was required to pay for coverage before being called to
178 active service. Any payment required to be made by the employee for
179 coverage under this subsection may be deducted from compensation
180 provided under subsection (c) of this section. The state shall reimburse
181 any state employee who has paid premiums for the continuation of
182 any such group hospitalization and medical and surgical insurance
183 plan between the date such state employee was called to active service
184 and November 20, 2001. The reimbursement shall be in the amount of
185 the state's portion of the premiums so paid.

186 (c) Notwithstanding any provision of the general statutes or any
187 public or special act, any state employee who is a member of the
188 armed forces [of any state or of any reserve component of the armed
189 forces of the United States and who has been] called to active service
190 [in the armed forces of any state or the United States for (1) Operation
191 Enduring Freedom, (2) Operation Noble Eagle, (3) a related emergency
192 operation or a military operation whose mission was substantially
193 changed as a result of the attacks of September 11, 2001, (4) federal
194 action or state action authorized by the Governor in support of the
195 federal Department of Homeland Security's Operation Liberty Shield,
196 military operations that are authorized by the President of the United
197 States that entail military action against Iraq, or federal action or state
198 action authorized by the Governor to combat terrorism within the
199 United States, or (5) federal action or state action authorized by the
200 Governor or the President of the United States that entails service or
201 military action as part of Operation Jump Start at the border of the
202 United States and Mexico,] shall continue to accrue all vacation time,
203 equivalent leave time and sick time to which the employee would be
204 entitled if he or she had continued working in his or her state position
205 during the time of such active service, and shall be credited with such
206 accrued vacation time, equivalent leave time or sick time, except that if

207 the accrual of such vacation time, equivalent leave time or sick time
208 pursuant to this subsection while on active service would cause the
209 employee to exceed any limit on leave time pursuant to any provision
210 of the general statutes, the regulations of Connecticut state agencies or
211 a collective bargaining agreement, the limit shall be temporarily
212 waived to allow the employee to use the excess leave time before the
213 later of the following: (A) From the date of the state employee's
214 discharge from active service until the state employee returns to state
215 employment, (B) not later than one hundred twenty calendar days
216 after the state employee returns to state employment, (C) not later than
217 one hundred twenty calendar days after the state employee is credited
218 with such excess leave time, or (D) for state employees in teaching or
219 professional positions in Unified School District #1 established
220 pursuant to section 18-99a within the Department of Correction who
221 were credited with equivalent leave time pursuant to this section, not
222 later than one year after the employee is credited with such excess
223 leave time. The employee shall be entitled to a leave of absence with
224 pay as provided in section 27-33 from the date on which the employee
225 was called to active service. After the expiration of such leave of
226 absence with pay, the state employee shall receive part pay for the
227 duration of such call-up to active service if the compensation received
228 by the state employee for such active service is less than the
229 employee's base rate of pay, plus longevity, in the employee's primary
230 position. The state employee shall not be required to exhaust accrued
231 vacation time, equivalent leave time or sick time in order to be eligible
232 for the paid leave of absence and part pay under this subsection. As
233 used in this section, "equivalent leave time" means leave time classified
234 as other than vacation time or sick time and includes, but is not limited
235 to, leave time classified as recess rather than vacation time.

236 (d) No state employee shall be deemed ineligible for any benefit
237 under this section or under any other provision of this chapter solely
238 because such employee's leave time is classified as recess or other
239 equivalent leave time rather than vacation time pursuant to the
240 provisions of a collective bargaining agreement, including a collective
241 bargaining agreement covering a state employee in a teaching,

242 instructional or professional position in the Unified School Districts 1,
 243 2 or 3.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	New section
Sec. 2	<i>October 1, 2010</i>	27-100c
Sec. 3	<i>from passage</i>	45a-318(a)
Sec. 4	<i>October 1, 2010</i>	27-102l(c)
Sec. 5	<i>from passage</i>	5-259d

Statement of Legislative Commissioners:

In section 2(a), the definition of "department" was bracketed and subsequent references to "the department" were changed to "such department" for clarity and internal consistency, and the definition of "committee" was bracketed because the term is not used in the section.

VA *Joint Favorable Subst. C/R*

GAE

GAE *Joint Favorable Subst.-LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 11 \$	FY 12 \$
Various State Agencies	GF, TF - Cost	Potential	Potential
Comptroller Misc. Accounts (Fringe Benefits)	GF, TF - Cost/Savings	See Below	See Below

Note: GF=General Fund; TF=Transportation Fund

Municipal Impact: None

Explanation

This bill could result in a potential cost to various state agencies by requiring newly developed forms that are distributed to the public to include a question regarding veteran status. The potential cost is attributable to the administrative and postage needs to send the information to the Department of Veterans' Affairs (DVA).

The net fiscal impact to the fringe benefit accounts resulting from the addition and elimination of benefit-eligible service members cannot be determined at this time. Section 5 would extend the continuation of health insurance coverage and the accrual of vacation, sick, and other equivalent leave for state employees called to active service for any purpose, as opposed to current law which requires a qualified military operation. It also eliminates insurance coverage and leave accruals for National Guard members called to active state service.

It is anticipated that there will be no cost to the requirement that the Department of Veterans' Affairs develop within available appropriations a web site listing veterans' benefits and services. Currently the DVA's web site has a benefits information web page with links to state benefits and relevant state and federal agencies' web

sites. The web page also shows information on the DVA's Office of Advocacy and Assistance which provides assistance to veterans and eligible families.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sSB 314*****AN ACT CONCERNING MILITARY OR VETERAN STATUS ON STATE-ISSUED FORMS AND PUBLICATIONS, BENEFITS FOR VETERANS AND STATE EMPLOYEES CALLED TO ACTIVE SERVICE AND THE DISPOSITION OF REMAINS OF MEMBERS OF THE ARMED FORCES.*****SUMMARY:**

This bill makes changes in the laws affecting state-issued forms and publications, insurance coverage and vacation and sick time accrual for armed forces members (service members) called to active service, disposition of service members' bodies or remains, and posting of veterans' benefits on the Department of Veterans' Affairs (VA) website.

The bill requires any new form or publication issued by a state entity (agency, department, or office) for public distribution and returnable to the entity to include a question asking whether the recipient is a service member or veteran who would like information about veterans' benefits.

The bill eliminates continued state insurance coverage and vacation and sick leave benefits for state employees (1) in the Connecticut National Guard called to state active service and (2) in another state's National Guard unit called to state active service. It also extends the benefits to service members called to active service for any purpose, not just for designated wars, operations, or actions.

It allows service members to designate, on a Department of Defense document, someone to direct disposition of their body or remains.

It authorizes the VA commissioner, within available appropriations, to establish, on the VA website, a list of veterans' benefits and services

offered by any state agency, department, authority, office, or political subdivision. She must update the list annually.

EFFECTIVE DATE: Upon passage for the provisions pertaining to disposition of remains and insurance coverage and leave accrual; October 1, 2010 for the remaining provisions.

AGENCY FORMS

The bill requires any new form or publication issued by a state entity (agency, department, or office) for public distribution and returnable to the entity to include a question asking whether the recipient is a service member or veteran who would like information about veterans' benefits.

A state entity that receives an affirmative response must forward the sender's name and mailing address, if it can determine this information, to the VA, which must add it to the veterans' and service members' contact list that existing law requires the VA to maintain. The bill specifies that the list may include this information. Currently, contact information is provided by the Military Department, tax assessors, and veterans and service members.

INSURANCE COVERAGE

Current law requires the state to continue to provide health insurance coverage for state employees, as well as their dependents, called to active service in designated wars, operations, or actions for the duration of the call-up, so long as the employee continues to make the same insurance payments he or she was required to make before being activated. The coverage applies to state employees called to active service in the armed forces of any state (i.e., Connecticut National Guard or another state's National Guard) or the U.S. Armed Forces and reserves.

The bill extends the coverage to state employees called to active service for any purpose, not just for specifically designated wars, conflicts, or actions. It eliminates coverage for state employees who are (1) in the Connecticut National Guard and called to active state service

and (2) guard members in other states called to active state service.

LEAVE FOR STATE EMPLOYEES IN MILITARY SERVICE

Under current law, state employees called to active service in designated wars and conflicts, and their dependents, continue to accrue vacation time, equivalent leave time, or sick time to which they would have been entitled they had continued working in their state position. The provision applies to state employees called o active service in the armed forces of any state (i.e., the Connecticut National Guard or another state's National Guard) or the U.S. Armed Forces and reserves.

The bill extends the coverage to state employees called to active service for any purpose, not just for specifically designated wars, conflicts, or actions. It eliminates the benefit for state employees who are (1) in the Connecticut National Guard and called to state active service and (2) in another state's National Guard and called to state active service.

DISPOSITION OF REMAINS

By law, anyone age 18 or older and of sound mind may execute a document subscribed by such person and attested by two witnesses either (1) directing disposition of his or her body or remains upon death or (2) designating someone to take custody and control of the disposition.

The bill allows service members to designate, on a Department of Defense document, someone to direct disposition of their body or remains. The designation has the same legal effect as the designation above if the service member dies while serving in the armed forces.

COMMITTEE ACTION

Select Committee on Veterans' Affairs

Joint Favorable Substitute Change of Reference

Yea 10 Nay 0 (03/11/2010)

Government Administration and Elections Committee

Joint Favorable

Yea 14 Nay 0 (03/24/2010)